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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of:

Application No.: 09/746,183  
Filed: 12/21/2000  
Group No.: 2661  
Examiner: Joshua A. Kading  
Applicant's Docket No.: END920000102US1

For: System and Method for Determining Network  
Throughput Speed and Streaming Utilization

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION  
FOR PATENT ABANDONED UNINTENTIONALLY UNDER  
37 C.F.R. § 1.137(b)

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☐ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 with sufficient postage as first class mail.

TRANSMISSION

- ☐ facsimile transmitted to the Patent and Trademark Office, 571-273-8300.

Signature

Date:

(Type or print name of person certifying)

The above identified application became abandoned for failure file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee
- (3) Terminal disclaimer with disclaimer fee -  
required for all utility and plant applications  
filed before June 8, 1995; and for all  
design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee:

- ☒ Other than small entity - fee \$1,330.00

2. Reply and/or fee

- A. The reply and/or fee to the above-note Office action in the form of \_\_\_\_\_ (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

- B. The issue fee and publication fee (if required) of \$ 1,700.00

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Date 3 Nov 2005

  
Signature

Telephone Number: 276 238-1972

Shelley M Beckstrand  
61 Glenmont Road  
Woodlawn, VA 24381-1341

Enclosures:

- ☒ Fee payment
- ☐ Reply
- ☒ Additional sheets containing statements establishing unintentional delay
- ☐ Terminal Disclaimer
- ☐ Other: \_\_\_\_\_

STATEMENTS ESTABLISHING UNINTENTIONAL DELAY

Re S/N 09/746,183

On information and belief:

May 2004            Petitioner's attorney moved from New York to Virginia, and Post Office forwarded his mail for a year, but discontinued doing so on or about May 2005. While Petitioner advised the USPTO of his new Office location and mailing address, he neglected to enter a change of address in the above noted application.

3 May 2005           A FINAL office action was issued, and received by Applicant.

23 June 2005        An Amendment after final was submitted to the USPTO, within the 2 month response period, and thereafter 3 Nov 2005 calendared as the trigger date (6 months after FINAL) to avoid abandonment.

14 Jul 2005        Notice of Allowance mailed, and thereafter returned to the USPTO as undeliverable.

1 Nov 2005           In anticipation of the above trigger date on his calendar, petitioner accessed Public PAIR and determined that the Notice of Allowance had been issued and that the 3 month response period had expired. Private PAIR was accessed by another person at his request, and petitioner advised that the notice of allowance had been returned as undeliverable by the post office.

3 Nov 2005           Petitioner has audited in PAIR all pending applications for which he is responsible and has today submitted to the USPTO a Change of Correspondence Address for each application where his former address was still entered upon the records of the USPTO.

3 Nov 2005           A Notice of Abandonment has not been received.

by

Date:            3 Nov 2005



Shelley M Beckstrand  
Reg. No. 24,886  
61 Glenmont Road  
Woodlawn, VA 24381-1341



**FEE TRANSMITTAL for FY 2005**  
(Large Entity)

TOTAL AMOUNT OF PAYMENT: \$ 1,330.00

Application Number 09/746,183  
Filing Date 12/21/2000  
First Inventor F. KLASSEN ET AL.  
Art Unit 2661  
Attorney Docket END920000102US1

METHOD OF PAYMENT

- ☒ IBM Deposit Account 09-0466  
☐ Check  
☒ Charge fee(s) indicated below  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  
☐ Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES:

	FILING FEES	SEARCH FEES	EXAMINATION FEES	
<u>Application Type</u>	<u>Fee(\$)</u>	<u>Fee(\$)</u>	<u>Fee(\$)</u>	<u>Fee Paid(\$)</u>
Utility	300	500	200	\$1,000.00
Reissue	300	500	600	
Provisional	200	0	0	

2. EXCESS CLAIM(S) FEES

Fee Description

Each claim over 20 or, for Reissues, over 20 and more than in the parent patent \$ 50  
Each independent claim over 3 or, for Reissues, more than in original \$200

	<u>Extra Claims</u>	<u>Fee(\$)</u>	<u>Fee Paid (\$)</u>
<u>Total Claims</u> _____ - 20 or HP = _____	_____	x \$ 50 = _____	_____
<u>Indep Claims</u> _____ - 3 or HP = _____	_____	x \$200 = _____	_____
<u>Mult Dep Claim</u> _____	_____	_____	_____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 for each additional 50 sheets or fraction thereof. (35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).)

<u>Total sheets</u>	<u>Extra Sheets</u>	<u>Number of Additional 50</u>	<u>Fee(\$)</u>	<u>Fee Paid (\$)</u>
_____ - 100 = _____	_____	_____ x	\$250	_____

4. OTHER FEES

Non-English Specification \$130  
Other: PETITION FOR REVIVAL OF AN APPLICATION  
FOR PATENT ABANDONED UNINTENTIONALLY  
UNDER 37 C.F.R. 1.137(b) \$1,330.00

SUBMITTED BY

Signature

*Shelley M Beckstrand*

Date

3 NOV 2005

Name

Shelley M Beckstrand  
Registration No. 24,886  
Telephone 276 238-1972